



Atty. Docket No. STE01 P-1045B

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

December 3, 2004  
Date

Melanie S. Jernberg  
Melanie S. Jernberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3636  
Examiner : Anthony Derrell Barfield  
Applicant : Douglas C. Ball et al.  
Appln. No. : 10/659,662  
Filing Date : September 10, 2003  
Confirmation No. : 3688  
For : CHAIR CONSTRUCTION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION UNDER 37 C.F.R. §1.78(a)(3) TO ACCEPT UNINTENTIONALLY  
DELAYED PRIORITY CLAIM

Pursuant to 37 C.F.R. §1.78(a)(3), Applicants respectfully request that the attached amendment to the priority claim submitted concurrently with the present petition be entered on the grounds that the delay in making the entire priority claim was unintentionally delayed.

The above-identified patent application was filed on September 10, 2003. When initially filed, the above-identified patent application claimed priority to commonly assigned, co-invented application serial no. 10/270,228, filed October 10, 2002, entitled CHAIR CONSTRUCTION, which is a continuation of commonly assigned, co-invented application serial no. 09/579,166, filed May 25, 2000, entitled CHAIR CONSTRUCTION. However, Applicants unintentionally did not include a priority claim to provisional application serial no. 60/139,599, filed June 17, 1999, entitled ADJUSTABLE CHAIR CONSTRUCTION.

12/07/2004 AWONDRF1 00000090 162463 10659662

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CLASSIFICATION: 10/659,662  
CLASSIFICATION: 10/270,228  
CLASSIFICATION: 09/579,166  
CLASSIFICATION: 60/139,599

Applicant : Douglas C. Ball et al.  
Appln. No. : 10/659,662  
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Applicants hereby petition for acceptance of the unintentionally delayed submission of the priority claim. The entire delay in making the priority claim until the filing of a grantable petition under 37 C.F.R. §1.78(a)(3) was unintentional.

In support of Applicants' petition, Applicants have enclosed a check in the amount of \$1370.00.

Please charge any additional fees or credit any overpayment to Deposit Account No. 16-2463. A duplicate copy of this document is attached.

Favorable action on the merits of this petition is earnestly solicited.

Respectfully submitted,

DOUGLAS C. BALL ET AL.

By: Price, Heneveld, Cooper,  
DeWitt & Litton, LLP

Date

12/3/04

Marcus P. Dolce

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REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>4-26-05</u>		2 Serial/Patent # <u>10/659662</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
<u>Pet dismissed as moot - no fee req'd.</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>F. HICKS</u>		TITLE: <u>Pat. Exam.</u>		
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